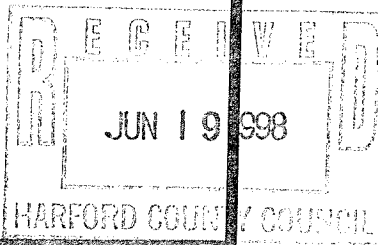


# ZONING RECLASSIFICATION APPLICATION

## Harford County Board of Appeals

Bel Air, Maryland 21014



Shaded Area For Office Use Only

Case No. 105

Date Filed 6-16-98

Hearing Date \_\_\_\_\_

Pre-Conf. \_\_\_\_\_

Receipt \_\_\_\_\_

Fee \$730

### Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

### Petitioner

Estate of William E. McAllister by  
Name Robert W. McAllister, Personal Rep. Phone Number \_\_\_\_\_

Address 1712 Beechbank Way Fallston, Maryland 21047  
Street Number Street State Zip Code

Property Owner See Above Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street State Zip Code

Attorney/Representative Robert S. Lynch, Esq.  
Lawrence F. Kreis, Jr., Esq Phone Number (410) 879-2222/838-5522  
Stark & Keenan, P.A.

Address 30 Office Street Bel Air, Maryland 21014  
Street Number Street State Zip Code

## Land Description

Address and Location of Property (with nearest intersecting road) 1813 Bel Air Road S. at Benson

Subdivision N/A Lot Number N/A Acreage/Lot Size 22.33 Election District 03  
Existing Zoning CI & AG Proposed Zoning B2 Acreage to be Rezoned 16.9 (See Ex. d)  
Tax Map No. 55 Grid No. 3D Parcel 171 Deed Reference 340/273  
Critical Area Designation N/A Land Use Plan Designation High Intensity  
Present Use and ALL improvements: Vacant Structure currently on property

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.  
Example: Conventional, Conventional with Open Space, Planned Residential Development) Commercial

Is the property designated a historic site, or does the property contain any designated or registered historic structures?  
No If yes, describe: \_\_\_\_\_

Estimated Time Requested to Present Case: Three (3) Hours

## Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

# Additional Information as Required by the Department of Planning and Zoning

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (c) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE NO. 105 MAP 55 TYPE Rezoning

ELECTION DISTRICT 3 LOCATION 1813 Bel Air Road, S. of Benson

BY Estate of William E. McAllister by Robert W. McAllister, Personal Rep., 1712 Beechbank Way, Fallston, Md. 21047

Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to rezone 16.9 acres from a CI and Agricultural District to a B2 District requires approval by the Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

Signature of Applicant/Owner Date  
Robert W. McAllister, Personal Representative

Witness Date

Signature of Contract Purchaser/Owner Date

Witness Date

Signature of Attorney/Representative Date

Witness Date

Director of Planning and Zoning Date

Zoning Staff Date

ESTATE OF WILLIAM E. MCALLISTER  
PARCEL NO.: 171

(b) (1) The Applicant maintains that there is a mistake as to the existing AG and CI zoning. The subject property as shown on the 1996 Land Use Element Plan and Land Use Map is designated "High Intensity". (See attachment (b) (1) Land Use Map & Key). The property has commercial frontage on Route 1, which is an arterial road. The current AG and CI zoning is not consistent with the Master Plan and zoning patterns. Given the extensive commercial development that has occurred since 1989 in the Route 1 corridor, agricultural zoning on this parcel is not appropriate. At the time of the 1989 Comprehensive Rezoning, Harford County failed to zone the property to a commercial classification that would be consistent with the Master Plan and the neighborhood.

(2) Since the last Comprehensive Rezoning in 1989, there have been numerous changes in the neighborhood. Since 1989, sewer service has been provided for the Route 1 corridor. Extensive commercial development has also occurred along this corridor.

(c) The proposed reclassification of the subject property to a B2 zoning classification use is consistent with the 1996 Land Use Element Plan and Land Use Map (See attachment (b) (1)).

(d)

(1) See attachment (d) (1).

(2) The rezoning of this property to B2 use would allow for a range of commercial uses.

(3) Neighborhood: The neighborhood is defined as the area bordered by Intersection of Route 1 and Route 152 to the south; Route 1 and Bel Air Bypass to the north; Harford Road to

the west and to the east, the rear property line of Applicant's parcel. (See attachment (d)(3)).

(4) See attachment (d)(3).

(5) The following projects have been identified in the FY 1996 and 1997 County CIP or the 1996 State CTP:

A. U.S. 1 from Md. 152 to Md. 147 is currently under Project Planning with no construction funds identified.

B. U.S. 1 (Bel Air Bypass) currently under Project Planning with no construction funds identified.

(e) Rezoning in the neighborhood: None.

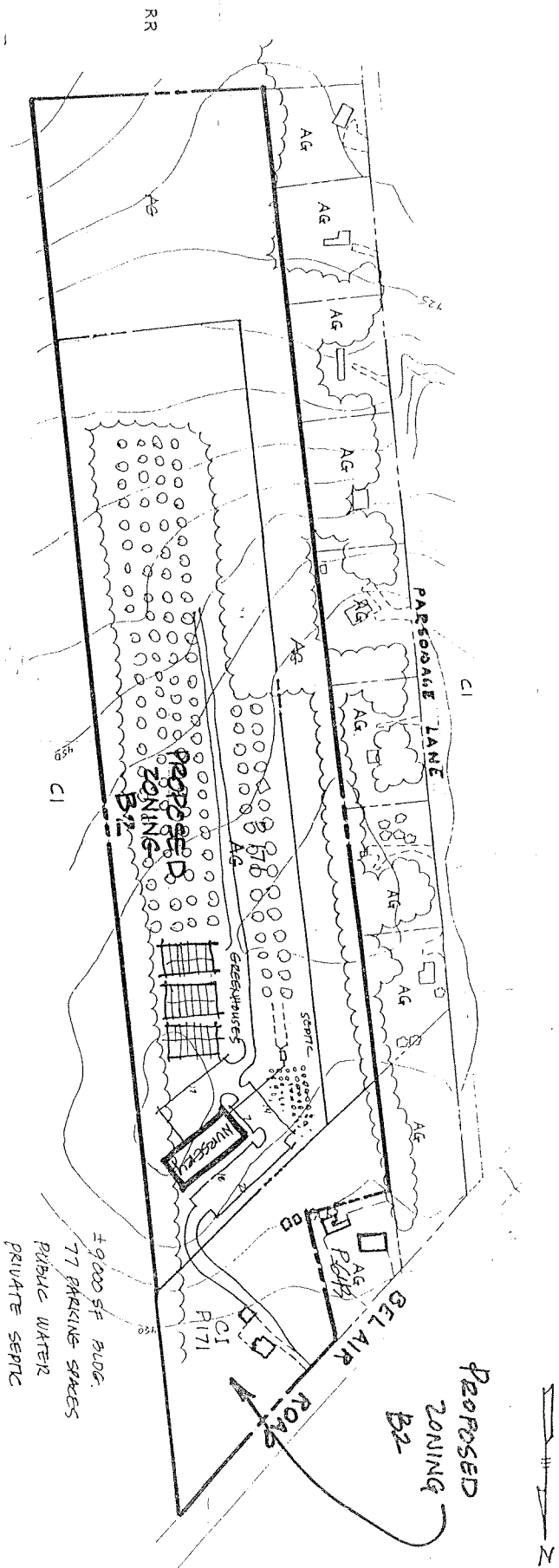
(f) See attachment (d)(1); There are no environmental issues identified for this site.

(g) See attachment (d)(g)

(h) None


(i) None

(j) Outside Master Plan for Water and Sewer; both utilities are in Rt. 1



AG ZONING - B2 = 13.5 ac ±  
 CI ZONING - B2 = 3.4 ac ±

± 9000 SF BLDG.  
 77 PARKING SPACES  
 PUBLIC WATER  
 PRIVATE SEPTIC

SCALE 1" = 200'	DATE 4/9/98	 <b>FREDERICK WARD ASSOCIATES, INC.</b> ENGINEERS • ARCHITECTS • SURVEYORS P.O. BOX 1271, 5 SOUTH MAIN STREET, BEL AIR, MARYLAND 2104 PHONE: (410) 875-2090 (410) 828-7350 FAX: (410) 853-1243	<b>REZONING PLAN</b> WILLIAM MAULSTER 1813 BEL AIR RD. FAUXSTON MD. 21047
DR. BY SMV	CH. BY KLS		
PLAT NO.	JOB NO. 99950		

Attachment (d)